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**MEMORANDUM**

**TO:** Heads of Fire Departments

**FROM:** Stephen D. Coan  
State Fire Marshal

**DATE:** February 1, 2008

**SUBJECT:** Abandoned or Dangerous Building Regulations 780 CMR and 527 CMR

There has been a recent increase in abandoned building fires across the Commonwealth; and with the rise in foreclosures, this trend is likely to continue. Therefore, I would like to remind you of the regulations governing abandoned buildings found at 780 CMR 121.2 and 121.3 and 527 CMR 10.13 which establishes the uniform standards for the marking of dangerous buildings required under 780 CMR 121.8.

For the purposes of the regulation, abandoned buildings are those determined by the Building Inspector pursuant to Chapter 143 § 6 to be deserted with no intention of being re-occupied and are open to the weather.

**BOARD UP PROVISIONS:**

**780 CMR 121.2 Inspection:** The building official immediately upon being informed by report or otherwise that a *building* or other *structure* or anything attached thereto or connected therewith is dangerous to life or limb or that any *building* in that city or town is unused, uninhabited or abandoned, and **open to the weather**, shall inspect the same; and he shall forthwith in writing notify the owner to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather. If it appears that such *building* or *structure* would be especially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the building official may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

**121.7 Standards for making buildings safe or secure:** Any owner of a building who has been notified that said building shall be made safe or secure under 780 CMR 121.2, shall:

1. Remove all materials determined by the head of the fire department or building official to be dangerous in case of fire.
2. Secure all floors accessible from grade utilizing one of the following methods so long as such method is approved by the head of the fire department and building official in writing:
  - a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures, continuously until such time as the building is reoccupied; or
  - b. Provide 24 hour watchman services, continuously until such time as the building is reoccupied; or
  - c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade, continuously until such time as the building is reoccupied.

Said owner, as the case may be, shall notify the building official that the approved method chosen to secure the building has been incorporated. Said owner shall allow the building official to enter the building for an inspection to ascertain that the building is secured and made safe. Said owner shall allow the head of the fire department to enter the building. The building official shall be supplied with records of maintenance and operation if the provisions of 780 CMR 121.7.2.b or c. are used.

3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the head of the fire department in accordance with M.G.L. c. 148, § 27A to shut off or disconnect said alarms or systems.
4. Maintain utilities unless written permission is obtained from the building official to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.
5. The requirements of 780 CMR 121.7.1. through 4. do not prevent a building official from ordering or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of 780 CMR 121.7.1. through 4.

For the purposes of 780 CMR 121.7.5, an "emergency situation" shall be defined as: an unexpected incident, which by its very nature may present a threat to public safety personnel who may be required to affect a rescue effort or conduct fire extinguishment operations.

Upon refusal or neglect of said owner to comply with such notice, any building official acting under the authority of 780 CMR 121.3 or 121.5, shall cause to be secured all window and door openings accessible from grade in accordance with the U.S. Fire Administration, National Arson

Prevention Initiative Board-up Procedures or other equivalent procedure approved by the head of the fire department, continuously until such time as the building is reoccupied.

Any building which has been made to conform to the provisions of 780 CMR 121.7 during vacancy may be reoccupied under its last permitted use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to fully functional condition and subject to 780 CMR 111.2 and M.G.L. c. 40A. The local building official shall be notified in writing prior to re-occupancy. If said building is changed in use or occupancy or otherwise renovated or altered it shall be subject to the applicable provisions of 780 CMR 34.

**121.8 Marking or identifying certain buildings that are especially unsafe in the case of fire.**

Any building official who determines that a building is especially unsafe in case of fire under 780 CMR 121.2, shall notify the head of the fire department about the existence of said building. The building official, in cooperation with the head of the fire department, shall cause said building to be marked in accordance with the marking requirements established by the Board of Fire Prevention Regulations in 527 CMR 10.00.

**MARKING PROVISIONS:**

**10.13: Emergency Planning and Preparedness**

(7) Marking or identifying certain buildings that are especially unsafe in the case of fire

(a) Any building determined to be especially unsafe in case of fire, under the provisions of 780 CMR 121.2 shall be identified and marked by the building official, with the cooperation of the head of the fire department, to indicate the degree of hazard.

(b) In marking such buildings, the following symbols shall be used:



This symbol shall mean that interior hazard exists to such a degree that interior operations shall be conducted with extreme caution.



This symbol shall mean that severe structural deficiencies or severe interior deficiencies exist to such a degree that operations shall be from the outside except for when a life hazard exists.

(c) Markings shall be applied on the front of the building at or above the second floor level, where practical, between openings such that they are visible from the street. Markings may be applied to the sides or the rear of a building if the head of the fire department deems such placement necessary. Markings shall also be applied in a conspicuous place near every entrance and on penthouses. Markings shall not be applied over doors, windows, or other openings where they may be obscured by smoke or fire.

(d) Markings shall be a minimum of 24 inches by 24 inches. Markings shall either be on a placard

with a reflective background or painted with a reflective paint of contrasting color directly on the surface of the building. Stripes and borders outside of the marking shall be a minimum of 2 inches wide.

(e) All markings shall bear a date as to when applied or the date of the most recent inspection.

(f) Prior to receiving a mark, all buildings shall be inspected thoroughly by the head of the fire department.

I would also like to remind you of the duty under M.G.L. c. 143 s. 6 that the owner, lessee, or mortgagee in possession of such building or structure shall furnish a floor plan to both the chiefs of the fire and police departments of the city or town where the building is located.

Further assistance is always available through the Office of the State Fire Marshal. Please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or in Western Mass. (413) 587-3181.

SDC/bhs  
Enc.